

REMARKS

Claims 1, 10, 16, 17, 20-24, 31, 32 and 45-60 are pending in the above-referenced patent application. Applicants respectfully request further consideration of these claims, in view of the amendments set forth above and the following remarks.

Examiner Interview

Applicants thank the Examiner for the courtesy of an interview with Applicants attorney, Paul A. Stone, on September 15, 2005, during which the specification, the then-pending claims, and the prior art were discussed.

Amended Claims / New Claims / Canceled Claims

Claims 1, 10, 16, 17, 20-24, 31 and 32 have been amended and new claims 45-60 have been added, in each case to encompass subject matter that is of commercial relevance to Applicant. Claims 2-9, 11-15, 18, 19, 25-30 and 33-44 have been canceled to advance the prosecution of the instant case. No new matter has been added.

Applicants expressly reserve the right to refile any amended or canceled claim, without prejudice, in a continuing application. Applicants' amendment and/or cancellation of any such claims should not, in any way, be considered as an admission with respect to any outstanding rejections applying to such claims.

Claim Rejections Under 35 U.S.C. 112, First Paragraph (Enablement)

Claims 37-44 are rejected under 35 U.S.C. 112, first paragraph. The Office recognizes that the specification is enabling for methods of treating specific diseases by reducing the amount of specific ions in the gastrointestinal tract. The Office contends, however, that the specification does not reasonably provide enablement for treating an animal as broadly claimed in claim 37 and does not enable a person skilled in the art to use the invention commensurate in scope with these claims. (See pages 2-4 of the Office action).

This basis for rejection is now moot, in view of claims 37-44 being canceled.

Although moot, Applicants are not conceding the position taken by the Office with respect to previously-pending claims 37 through 44. Note, for example, that claims 38-44 (all rejected claims except claim 37) are in fact directed to a pharmaceutical composition that removes particular ions from the gastrointestinal tract, including phosphate ions, sodium ions or potassium ions. Note also, that the specification provides substantial guidance for creating core-shell particles that are, for example, permselective to particular target solutes over competing solutes.

Claim Rejections Under 35 U.S.C. 102 - Tyler *et al.* (US 2004/0166156)

Claims 1-21 and 25, 26, 31, 32 and 36-44 are rejected under 35 U.S.C. 102(a,e) as being anticipated by Tyler *et al.* (US 2004/0166156). (See pages 4-5 of the Office action).

This basis for rejection is obviated in view of the amendments to claims 1, 10, 16, 17, 20, 21, 31 and 32, and is moot with respect to claims 2-9, 11-15, 18, 19, 25, 26 and 36-44 (each now canceled).

Although obviated and/or moot, Applicants are not conceding and expressly disagree with the position taken by the Office with respect to this rejection. Applicants amendments to the claims have been made for the purpose of pursuing subject matter of commercial relevance and to expedite prosecution with respect to such subject matter.

Claim Rejections Under 35 U.S.C. 102 - Simon *et al.* (US 2005/0036983)

Claims 1-21, 25, 30-32, 34 and 36-44 are rejected under 35 U.S.C. 102(a, e) as being anticipated by Simon *et al.* (US 2005/0036983). (See page 5 of the Office action).

This basis for rejection is obviated in view of the amendments to claims 1, 10, 16, 17, 20, 21, 31 and 32, and is moot with respect to claims 2-9, 11-15, 18, 19, 25, 30, 34 and 36-44 (each now canceled).

Although obviated and/or moot, Applicants are not conceding and expressly disagree with the position taken by the Office with respect to this rejection. Applicants amendments to the claims have been made for the purpose of pursuing subject matter of commercial relevance and to expedite prosecution with respect to such subject matter.

Claim Rejections Under 35 U.S.C. 103

Claims 1-21 and 25-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Tyler (US 2004/0166156) or Simon (US 2005/0036983) in view of Holmes-Farley (US 5,677,775).

Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Tyler (US 2004/0166156) or Simon (US 2005/0036983) in view of both Bandi (US 4,902,501) and Kataoka (US 6,881,484).

These basis for rejection are obviated in view of the amendments to claims 1, 10, 16, 17, 20-24, 31 and 32, and are moot with respect to claims 2-9, 11-15, 18, 19, 25-30 and 33-44 (each now canceled).

Although obviated and/or moot, Applicants are not conceding and expressly disagree with the position taken by the Office with respect to these rejections. Applicants amendments to the claims have been made for the purpose of pursuing subject matter of commercial relevance and to expedite prosecution with respect to such subject matter.

Application No. 10/813,872
Amendment dated November 18, 2005
Reply to Office Action of June 3, 2005

CONCLUSION

In view of the foregoing claim amendments and remarks, Applicants respectfully submit that the application is now in condition for allowance. Accordingly, favorable reconsideration and early allowance are requested.

The Examiner is hereby authorized to charge the fees required in connection with this Amendment A to Deposit Account No. 23-2415, in accordance with the Transmittal submitted herewith. The Examiner is also authorized to debit any other fees required in connection with this application, or to credit any overpayment of fees in connection with this application to Deposit Account No. 23-2415.

Respectfully submitted,

Date: November 18, 2005

By:

A handwritten signature in cursive script, appearing to read 'Anie K. Roche', written over a horizontal line.

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